

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

1

Court Minutes

September 24, 2007

At 9:32 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Davis, Associate Justice; Hull, Associate Justice; and Haskett, bailiff.

C052788 THE PEOPLE v. RODRIGUEZ

Cause called. Kieran D. C. Manjarrez, court appointed counsel, argued for appellant. Jennifer M. Poe, Deputy Attorney General argued for respondent. Cause submitted.

C053229 GONSALVES v. SAMMONS FINANCIAL GROUP, INC.

Cause called. Linda B. Oliver appeared only for respondent. No appearance for appellant. Cause submitted.

At 10:14 a.m. the court recessed. At 10:20 a.m., the court reconvened with Davis, Associate Justice; Hull, Associate Justice; and Raye, Associate Justice.

C052813 TRUST REALTY PARTNERS v. WESTLY, etc., et al.

Cause called. Zachery P. Morazzini, Deputy Attorney General, argued for appellants. William W. Palmer argued, and Kenneth Michael Kaplan appeared only for Respondents. Cause submitted.

At 10:43 a.m., the court recessed until 9:30 a.m., Monday, October 15, 2007.

C052259 BATTERTON v. CAMPANA et al. (Not for Publication)

The judgment is affirmed. Defendants shall recover their costs on appeal.
SIMS, Acting P.J.
We Concur: Robie, J.
Cantil-Sakauye, J.

September 25, 2007

**C044562 THE PEOPLE v. DAVIS et al. (Not for Publication)
(Opinion on Remand from the U.S. Supreme Court)**

The judgments are affirmed.
MORRISON, J.
We Concur: Scotland, P.J.
Nicholson, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
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2

Court Minutes

September 25, 2007, continued

- C046923 THE PEOPLE v. MURPHY (Certified for Partial Publication)**
THE COURT:
 It is ordered that the opinion filed herein on August 29, 2007,
be modified...
 ... There is no change in the judgment.
FOR THE COURT:
 SIMS, Acting P.J.
 DAVIS, J.
- C053172 THE PEOPLE v. TRAYLOR (Not for Publication)**
 The judgment is affirmed.
 BLEASE, Acting P.J.
We Concur: Raye, J.
 Cantil-Sakauye, J.
- C053421 THE PEOPLE v. THOMAS (Not for Publication)**
 The judgment is affirmed.
 HULL, J.
We Concur: Davis, Acting P.J.
 Morrison, J.
- C053843 THE PEOPLE v. COOPER (Not for Publication)**
 The sentence is modified to stay defendant's 25-year-to-life punishment
for the conspiracy. As modified, the judgment is affirmed. The court shall amend
the abstract...
 ROBIE, J.
We Concur: Blease, Acting P.J.
 Hull, J.
- C054437 THE PEOPLE v. SIMMONS (Not for Publication)**
 The judgment is affirmed.
 RAYE, J.
We Concur: Davis, Acting P.J.
 Cantil-Sakauye, J.
- C055660 THE PEOPLE v. TUCEY (Not for Publication)**
 The judgment is affirmed.
 ROBIE, J.
We Concur: Blease, Acting P.J.
 Morrison, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

3

Court Minutes

September 25, 2007, continued

C052703 PATTERSON v. SACRAMENTO CITY (Certified for Publication)
UNIFIED SCHOOL DISTRICT
The judgment is reversed. Patterson shall recover his costs on appeal.
CANTIL-SAKAUYE, J.
We Concur: Sims, Acting P.J.
Raye, J.

C053185 CLARK et al. v. TRANSPACK (Not for Publication)
CORPORATION et al.
The judgment is affirmed. Defendants shall recover their costs on appeal.
NICHOLSON, J.
We Concur: Sims, Acting P.J.
Morrison, J.

September 26, 2007

C050584 THE PEOPLE v. BOGART (Not for Publication)
The judgment is affirmed.
SIMS, Acting P.J.
We Concur: Davis, J.
Raye, J.

C053339 THE PEOPLE v. CRELLER (Not for Publication)
The sentences on the section 273.5 charge and the section 12022.7 enhancement in case No. 62-9657 are vacated and the matter is remanded for resentencing consistent with this opinion. In all other respects, the judgment is affirmed.
DAVIS, Acting P.J.
We Concur: Morrison, J.
Robie, J.

C052063 DICKINSON v. UNION PACIFIC (Not for Publication)
RAILROAD COMPANY
The order of the trial court is vacated. Because the motion was originally filed by Dickinson, the parties shall bear their own costs on appeal.
NICHOLSON, Acting P.J.
We Concur: Morrison, J.
Hull, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

4

Court Minutes

September 26, 2007, continued

C052291 COLOMBO et al. v. BNC (Not for Publication)
MORTGAGE, INC., et al.
The judgment is affirmed. Plaintiffs shall recover costs on appeal.
RAYE, Acting P.J.
We Concur: Hull, J.
Robie, J.

September 27, 2007

C051632 THE PEOPLE v. SIMONS (Certified for Partial Publication)
The judgment is affirmed.
SIMS, Acting P.J.
We Concur: Nicholson, J.
Robie, J.

C051836 THE PEOPLE V. TOWNSEND (Not for Publication)
The judgment is modified to strike the enhancement under Penal Code section 12022.5 and is otherwise affirmed. The trial court is directed to prepare and forward... a new abstract of judgment
MORRISON, J.,
I Concur: Sims, Acting P.J.
I Concur and dissent....
Robie, J.

C052586 THE PEOPLE v. HAMMETT (Not for Publication)
The judgment is affirmed.
SCOTLAND, P.J.
I Concur: Morrison, J.
I Concur and dissent....
Cantil-Sakauye, J.

C052215 EURO STARS SALES & (Not for Publication)
DISMANTLING et al. v. BOURKOV
The judgment is affirmed. Bourkov shall recover costs on appeal.
SCOTLAND, P.J.
We Concur: Morrison, J.
Cantil-Sakauye, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
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5

Court Minutes

September 27, 2007, continued

**C055329 TRAVELERS INDEMNITY COMPANY (Not for Publication)
 OF ILLINOIS v. WCAB et al.**

 The WCAB's order granting Bryer's petition for reconsideration and decision after reconsideration is annulled, and the WCAB is directed to reinstate the WCJ's decision. The parties shall bear their own costs in the proceedings before this court.

 ROBIE, J.

We Concur: Davis, Acting P J.

 Raye, J.

September 28, 2007

C052215 THE PEOPLE v. DUTCHER (Not for Publication)

 The judgment is affirmed.

 HULL, J.

We Concur: Nicholson, Acting P.J.

 Cantil-Sakauye, J.